

REMARKS

Claims 1-12 and 17-20 stand objected to as being indefinite due to claim language associated with independent claims 1, 6, 12 and 17. More particularly, the Examiner has indicated that the language between the preamble and certain portions of the body of claims 1, 6, 12 and 17 is inconsistent in that the preamble of the independent claims set forth the language "one-piece mechanism" with the molding piece as part of the functional language only whereas other portions of the independent claims recite that the proximal end of the body of the mechanism is attached to the molding piece. Applicant has amended claims 1, 6, 12 and 17 to clarify the relationship between the molding piece and the present mechanism. In this regard, the present fastening mechanism which is identified as fastening member 10 in the present application is of a one-piece construction. This is to distinguish known prior art wherein fastening members exist which include multiple parts in order to attach a molding piece to some other structure. It is the fastening member 10 as illustrated in Figs. 2, 4 and 6 which is of a one-piece construction and it is this one-piece mechanism which is specifically claimed in independent claims 1, 6, 12 and 17. Independent claim 13 is directed to the combination of a decorative trim piece (molding piece) and the present fastening mechanism. Claims 1, 6, 12 and 17 as currently amended to overcome the §112 rejections.

Claims 11, 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as well to overcome the §112 objections. Applicant has rewritten dependent claims 11, 18 and 20 in independent form. New claim 21 is original claim 11 rewritten in independent form to include the limitations of claims 6 and 10. New claim 22 is

original claim 18 rewritten in independent form to include the limitations of claim 17. New claim 23 is original claim 20 rewritten in independent form to include the limitations of claim 17. New claims 21, 22 and 23 are therefore in allowable condition.

Claim 12 was merely objected to based upon §112 rejections, but would be allowable if rewritten or amended to overcome the §112 objections. Claim 12 has been amended to overcome the §112 objections and is therefore now in allowable condition.

Claims 1-10, 13-17 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Kraus reference. The Kraus reference discloses a holding element which includes diagonally opposed pairs of detents 4, 4', 5 and 5'. As best shown in Fig. 2, these detents are not substantially aligned as recited in some of Applicant's claims. This is evident from the disclosure in the Kraus reference. See, Abstract; Column 2, Lines 47-51; and Claim 1 wherein it is specifically recited that the main body includes four side surfaces each carrying one of the diagonally opposite resilient detents 4, 4', 5 and 5'. In addition, the Examiner indicates that the distal end of the Kraus device includes two bend or flex points near the bottom of 14. Applicant respectfully disagrees. There are no bend or flex points associated with the Kraus device as bend or flex points are disclosed and claimed in the present application. The bend or flex points 24 of the present application associated with the opposed side portions 20 are such that when the fastening mechanism is inserted through an aperture such as aperture 34 illustrated in Fig. 5, the side portions 20 will flex or bend at bend points 24 along substantially the length of at least opening 26 allowing the member 10 to be inserted into the aperture as shown in Fig. 5. These are specific flex points which are specifically designed to allow the distal end portion of the fastening member to flex when pressure is applied thereagainst. In addition, the present

fastening mechanism 10 includes a reinforced flange 30 associated with each of the bend points located adjacent the distal end 16 to provide better strength properties to the fastening member 10 to avoid cracks and/or fatigue breakage during installation. The flanges 30 further evidence the fact that the present fastening mechanism is designed to flex around bend points 24 during insertion. Nothing similar is disclosed in the Kraus reference. In fact, the Examiner has not pointed to any specific structure associated with the distal end of the Kraus device. Member 14 of Kraus refers to the end region of the rectangular detents 4'. The detents 4 and 4' flex inwardly, but the body portion 2 of the Kraus device does not flex. There are no bend points associated with the body portion 2 of Kraus which flexes or bends in any respect as the Kraus device is inserted into an aperture. The opposed sides of the body portion 2 of Kraus do not flex as do the proposed side portions 20 around opening 26 of the present fastening member 10. This is a totally different structure as compared to the structure of body portion 2 associated with the Kraus device.

Still further, the present fastening mechanism 10 includes a second opening 26 which extends transversely completely through the body portion. This means that the opening 26 of the present fastening member 10 extends completely through the first opening 22 and completely through the body portion including the opposed side walls of the body portion 12. This is certainly not true of the Kraus device where there is no transverse opening extending completely through the device from one opposed side to the opposite opposed side. The Examiner refers to a second opening behind the member 14 which extends through the Kraus body portion. This opening behind member 14, in reality, is merely a perforation 13 which surrounds the detents 4 and 4' and extends to the open interior 8 of the Kraus device. See, Kraus Specification, Column

3, Lines 25-27 and Claim 1, at Lines 37-39. The perforations 13 of Kraus do not constitute an aligned opening extending all the way through the main body 2 from one opposed side portion to the opposite opposed side portion. This limitation is specifically claimed in all of the independent claims of the present application as will be further explained. The perforations 13 extend into the interior space 8 of the Kraus device, but they do not extend through the body portion, or through the entire first opening. In addition, the detents 4, 4', 5, 5' associated with the Kraus device are not spaced in substantial alignment with one another on at least two opposite sides of the mechanism as required by some of the claims of the present application.

Still further, the second opening of the present mechanism which the Examiner equates to the perforations 13 behind the regions 14 or 14' do not include opposed side walls which are tapered along at least a portion of the length of the opening. The side walls 4 associated with the Kraus device actually refers to the detent itself. The perforations 13 which extend around the detent 4 includes side walls which all lie in the same plane. There is no taper associated with any of these side walls. The perforations 13 as best illustrated in Fig. 3 is essentially a rectangular perforation wherein all four side walls lie in the same plane. It is the detent 4 itself which is angled off or protrudes from side A in Fig. 3 which the Examiner is equating to the taper of the second opening defined and claimed by the present application. See, Kraus, Column 3, Lines 19-22. For all of these reasons, all of the independent claims of the present application are clearly and patentably distinguishable over the structure disclosed in the Kraus reference. For the Kraus reference to anticipate all of the claims of the present application, every single feature recited in each of the independent claims of the present application must be found in the Kraus reference. This is clearly not true.

Claim 1 as currently amended specifically requires that the second opening extend transversely through both the first opening and through opposed side portions of the body portion. This is clearly not true of the Kraus reference wherein a single opening does not extend through the body portion 2 from one opposed side portion to another opposed side portion. Instead, the perforations surrounding detent 4 only extend into the interior space 8 of Kraus and is diagonally opposite another perforation 13 which surrounds the detent 4'. Still further, claim 1 specifically requires that the body portion and the second opening define a plurality of resiliently flexible detents. Here again, a single second opening extending transversely through the body portion and through the first opening does not define the plurality of detents 4 and 4' in the Kraus device. For these and other reasons, the Kraus device does not anticipate independent claim 1 of the present application.

Claim 4 is likewise distinguishable over the structure disclosed in the Kraus device and is separately patentably distinguishable thereover. Claim 4 specifically requires that the distal end of the body portion include two end points spaced in substantial alignment with one another such that the body portion is sufficiently flexible to be compressed during insertion into the aperture of a housing structure. Here again, this is not true with the Kraus device wherein the body portion 2 is not compressed during insertion. Instead, it is the detents 4 and 4' which are compressed during insertion. Also, even assuming that the Kraus device has two bend points associated near the bottom of the surfaces 14, these bend points are diagonally opposed to each other and they are not in substantial alignment as required by claim 4. Clearly, claim 4 is patentably distinguishable over the disclosure in the Kraus reference.

Claim 5 is likewise clearly patentable over the Kraus reference since claim 5 specifically recites that the plurality of detents are likewise spaced in substantial alignment with one another on at least two opposite sides of the mechanism. Here again, it is clearly disclosed in Fig. 2 of the Kraus reference and as clearly set forth in claim 1, all of the detents associated with the Kraus reference are diagonally opposite each other. Claim 5 is clearly and patentably distinguishable over the Kraus reference.

Independent claim 6 likewise specifically requires that the second opening extend transversely completely through the body portion. Here again, for all of the reasons explained above, this is not true of the Kraus device wherein no one set of perforations 13 extend completely through the body portion. Still further, claim 6 specifically requires that the second opening define the plurality of detents which are spaced in substantial alignment with one another on at least two sides of the mechanism. Here again, this structure is not found anywhere in the Kraus device. The perforations 13 do not define, in and of themselves, the plurality of detents, and the detents 4, 4', 5 and 5' are not spaced in substantial alignment with one another. Claim 6 is clearly and patentably distinguishable over the disclosure in the Kraus reference.

Claim 9 is likewise patentably distinguishable over the Kraus reference, in and of itself, in that claim 9 specifically requires that the two bend points be spaced in substantial alignment with one another similar to currently amended claim 4. For the same reasons as discussed in claim 4, the Kraus device does not disclose bend points spaced in substantial alignment with one another. As a result, claim 9 is likewise clearly and patentably distinguishable over the Kraus reference.

Independent claim 12 has been amended to overcome the §112 objections and, as such, as stated by the Examiner, is distinguishable over the Kraus reference and includes allowable subject matter.

Independent claim 13 covers the combination of a decorative trim piece which includes the trim piece integrally attached to the present fastening mechanism. More specifically, claim 13 likewise specifically requires that the second opening extend transversely completely through the body portion. Here again, for all of the reasons discussed above, this is not true of the perforations 13 associated with the Kraus device. Still further, and importantly, claim 13 likewise specifically requires that the shape of the second opening define the plurality of flexible detents. Here again, the shape of the perforations 13 do not define the detents 4 and 4'. Claim 13 is likewise clearly and patentably distinguishable over the Kraus reference.

Claim 15 is likewise patentably distinguishable over the Kraus reference in that, similar to claims 4 and 9, claim 15 specifically requires that the two bend points are located and spaced apart in substantial alignment with each other. As discussed above, there are no bend points associated with the Kraus reference that are in substantial alignment with each other. Claim 15 is clearly and patentably distinguishable over the Kraus reference.

Claim 16, similar to claim 5, is likewise clearly and patentably distinguishable over the Kraus reference in that claim 16 specifically requires that the plurality of detents be located in spaced-apart substantial alignment with one another on at least two opposed sides of the body portion. None of the detents 4, 4', 5 and 5' of the Kraus device are positioned in substantial alignment with each other. Instead, as clearly disclosed and claimed, all of the detents are

diagonally opposed to each other as clearly shown in Fig. 2. Claim 16 is clearly and patentably distinguishable over the Kraus reference.

Independent claim 17 specifically requires that the distal end portion of the body portion include at least two flex points. As discussed with respect to independent claim 1, the Kraus reference does not disclose any type of flex points associated with the body portion for allowing the body portion to compress during insertion into an aperture associated with a second member. Still further, and importantly, claim 17 specifically requires that the second opening extend transversely through the first opening and through the body portion, a feature not disclosed in the Kraus reference, and, importantly, that the shape of the second opening substantially contribute to the formation of the plurality of barbs. Here again, the shape of the perforations 13 associated with the Kraus reference do not contribute at all to the formation of the detents 4, 4', 5 or 5'. As a result, claim 17 is likewise clearly and patentably distinguishable over the Kraus reference.

Claims 19 and 20 are likewise independently patentable over the Kraus reference. As previously explained, the side walls associated with the perforations 13 of Kraus all lie in the same plane and none of such side walls are tapered along any portion of the length of the opening as is true with respect to opening 26 associated with the present mechanism 10. It is only the detent members 4 and 4' which are offset away from the side walls A and C of the Kraus device. The perforations or alleged opening 13 behind the detents 4 and 4' do not include tapered side walls which form the actual shape of the opening. Here again, claims 19 and 20 are clearly and patentably distinguishable over the Kraus reference.

New claims 21, 22 and 23 have already been addressed and merely represent dependent claims 11, 18 and 20 rewritten in independent form. These claims are now in allowable condition.

New dependent claims 24-28 add still further distinguishing limitations to independent claim 1. Clearly, the limitations set forth in dependent claims 25, 26, 27 and 28 are not disclosed anywhere in the Kraus reference. As such, claims 25-28 are likewise patentably distinguishable over the Kraus reference.

It is now believed that all of the pending claims of the present application, namely, claims 1-28, contain limitations and restrictions which patentably distinguish them over the cited Kraus reference. The Kraus reference does not disclose or suggest all of the novel features associated with the present constructions, nor does the Kraus reference provide the specific advantages and objectives obtained by the present fastening mechanism 10. Favorable action and allowance of the claims is therefore respectfully requested.

Applicant's request for extension of time under 37 CFR 1.136(a) as well as Applicant's Petition fee are enclosed herewith and filed simultaneously with this Response.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions

Application of: Scherff, William Louis
Serial No.: 10/604,437
Amendment A

regarding the present amendment, it is respectfully requested that the Examiner please telephone
Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: _____

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